

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 6:07-cv-511-LED
)	
CDW CORPORATION, ET AL.)	
)	
Defendants.)	
)	
)	
)	

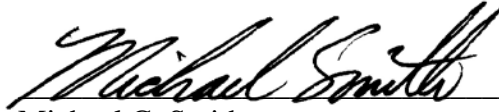
JOINT NOTICE OF AGREEMENT RE: REMAINING CLAIM TERMS

COMES NOW Plaintiff Soverain Software, LLC and Defendant Newegg, Inc. and advise the Court that Plaintiff and the sole remaining Defendant, Newegg, Inc.¹, have reached an agreement on the five remaining claim terms for construction which were in dispute. A revised Patent Rule 4-5(d) Claim Construction Chart is attached hereto as “Exhibit 1” for the Court’s convenience. A proposed order adopting the agreed constructions is attached as “Exhibit 2.”

In light of the agreement between Plaintiff and Defendant Newegg, Inc. to the agreement of the claim terms for construction, the *Markman* hearing currently scheduled for May 28, 2009 is no longer necessary and the parties agree that it can be cancelled from the Court’s docket.

¹ Yesterday the Court approved the dismissal of the other remaining Defendants, Systemax, Inc. and TigerDirect, Inc., in this case. Thus, the other two claim terms which these Defendants disputed are no longer in dispute either.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael C. Smith", written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this the 27th day of May, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.



Michael C. Smith